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others similarly situated

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Attorneys for Defendant
FedEx Ground Package System, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FAITH D. MARTIN, et al,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM INC.,
et al,

Defendants.

Case No. 06-CV-06883-MJJ

CLASS ACTION

**NOTICE OF PROPOSED SETTLEMENT;
STIPULATION RE FILING MOTION FOR
CLASS CERTIFICATION FOR
SETTLEMENT PURPOSES ONLY, AND
REQUEST FOR ORDER SHORTENING
TIME FOR COURT TO HEAR MOTIONS
RELATIVE TO PRELIMINARY
APPROVAL; ORDER THEREON**

1 Plaintiff FAITH D. MARTIN and Defendant FEDEX GROUND PACKAGE SYSTEM
2 INC. by and through their respective counsel of record, hereby notify this court and stipulate as
3 follows:

4 **NOTICE OF PROPOSED SETTLEMENT**

5 The parties engaged in mediation on July 20, 2007. Thereafter, the parties continued
6 negotiations and have reach a proposed settlement which is subject to court approval. The parties
7 are currently circulating an MOU which provides for a formal Stipulation of Settlement, including
8 agreed-upon Class Notices and Claim Forms. The MOU further contemplates that the parties will
9 conclude the settlement document drafting process and file a Motion for Preliminary Approval
10 within approximately sixty days. The proposed settlement includes settlement of the allegations
11 of this action (Martin), as well as all claims in the pending similar case of Olguin v. FedEx
12 Ground Package System, Inc., Superior Court of California, County of Orange, Case No.
13 02CC00299. The proposed settlement further provides that the parties will, as part of the
14 preliminary approval process, seek to amend the Complaint in the Martin action to include all
15 claims and allegations in the Martin and Olguin actions, to bring all of the pending matters before
16 the same court.

17 **STIPULATION RE FILING MOTION FOR CLASS CERTIFICATION**

18 **FOR PURPOSES OF SETTLEMENT ONLY**

19 The proposed settlement contemplates that as part of the preliminary settlement approval
20 process, the parties would seek class certification for settlement purposes only. Accordingly, the
21 court-set dates for the filing and hearing of the Plaintiff's contested Motion for Class Certification
22 should be vacated. The parties hereby request the court vacate all pending dates regarding the
23 Motion for Class Certification, including the hearing date of December 7, 2007.

24 **REQUEST FOR ORDER SHORTENING TIME FOR COURT**

25 **TO HEAR MOTION FOR PRELIMINARY APPROVAL**

26 Local Rule 7-2 requires motions be filed and served thirty-five (35) before the hearing
27 date. Because the proposed settlement contemplates Plaintiffs would file an uncontested Motion
28

1 for Preliminary Approval and Motion to Amend the Complaint, the parties believe that the regular
2 notice time is unnecessary, unless the time is needed by the Court. The parties request the Court
3 allow the Plaintiff to file her proposed motions ten (10) Court days before the hearing date.

4 Respectfully submitted.

5
6 Date: October 12, 2007

LAW OFFICES OF MICHAEL L. CARVER

7 /s/Michael L. Carver

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9 Michael L. Carver
10 Attorney for Plaintiff,
11 FAITH MARTIN, et al.

12 Date: October 12, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON

13 /s/Samantha D. Hardy

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15 Samantha D. Hardy
16 Attorney for Defendant,
17 FEDEX GROUND PACKAGE SYSTEM INC., et al.

18 **ORDER**

19 Upon reviewing and considering the foregoing stipulation the Court hereby vacates the
20 class certification schedule, including the hearing class certification motion hearing date of
21 December 7, 2007.

22 Further, IT IS HEREBY ORDERED THAT plaintiff may file her proposed uncontested
23 Motion for Preliminary Approval and Motion to Amend the Complaint at not less than (15) Court
24 days before the hearing date

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26 DATED: 10/16/07



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NOTICE OF PROPOSED SETTLEMENT; STIPULATION RE FILING MOTION FOR CLASS CERTIFICATION
FOR SETTLEMENT PURPOSES ONLY, AND REQUEST FOR ORDER SHORTENING TIME FOR COURT TO
HEAR MOTIONS RELATIVE TO PRELIMINARY APPROVAL; ORDER THEREON